THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.20019 of 1996

Dated : 03.08.2007

Between:

Gorinkala Lazer

..... PETITIONER

And:

The Mandal Revenue Officer,
Ramachandrapuram, East Godavari District
and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.20019 of 1996

ORDER:

This writ petition is filed seeking a declaration that the order passed by the first respondent in Ref.D/888/95, in the month of September 1996 is arbitrary and illegal and for a consequential direction to the respondents to drop all further proceedings against the petitioner.

Brief facts are that as the petitioner is a landless poor person, the respondents assigned an extent of Acs.0.05 cents of land in Sy.No.261 of Muchimilli village of Ramachandrapuram Mandal in East Godavari District to him for the purpose of construction of house, by proceedings dated 10.02.1977. Thereafter, petitioner made some constructions and thus is living therein with his family members. Later, on 08.01.1996 the

second respondent issued a show cause notice to the petitioner calling upon him to explain as to why the patta granted in his favour shall not be cancelled on alleged ground that the house constructed by him is causing obstruction to free flow of water. Petitioner offered his explanation on 16.01.1996, but not being satisfied with the said explanation, the first respondent passed an order in the month of September 1996, cancelling the patta granted to the petitioner and further assigning an extent of Ac.0.02 cents in Sy.No.264/2B of Muchimili village in Ramachandrapuram Mandal. Questioning the same, this writ petition is filed.

A detailed counter-affidavit is filed on behalf of the respondents.

This Court, while issuing rule nisi on 24.09.1996, directed the respondents not to interfere with the petitioner's possession and enjoyment in respect of his house bearing Door No.22-2-1 of Muchimilli village, East Godavari District. However, before the said orders were communicated to the petitioners, the dwelling house of the petitioner was demolished by the Roads and Buildings department. Thereafter, petitioner filed W.P.M.P.No.12939 of 1998 seeking amendment of prayer and W.P.M.P.No.2608 of 1998 to add the Roads and Buildings department as the fourth respondent. The said petitions were ordered by this Court.

Heard the learned counsel for both the parties.

It is only on consideration that the petitioner is a landless poor person, the land in question was assigned in favour of the petitioner. However, in the impugned order the respondents have agreed to assign alternative land in an extent of Ac.0.02 cents, as the earlier land assigned to him was causing obstruction. As the building in question is not in existence and the respondents have agreed to provide alternative land, this Court is of the view that this writ petition can as well be disposed of with a direction to the respondents to assign an extent of Ac.0.05 cents instead of Ac.0.02 cents, as agreed by them by the

impugned order, in Muchimilli village of Ramachandrapuram Mandal.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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sh 03.08.2007